

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF IOWA, CENTRAL DIVISION**

Gary W. Clem, Inc., d/b/a ALMACO,)	Case Number: 4:08-cv-133
)	
Plaintiff,)	
)	
vs.)	STIPULATION OF
)	DISMISSAL WITH
)	PREJUDICE, OF CLAIM
Seed Research Equipment Solutions, Inc.,)	AGAINST DEFENDANT,
)	SEED RESEARCH
Defendant.)	EQUIPMENT SOLUTIONS,
)	INC.

Plaintiff, Gary W. Clem, Inc., d/b/a ALMACO, and Defendant, Seed Research Equipment Solutions, Inc., hereby stipulate and agree that the Court may dismiss, with prejudice, the pending claim against Defendant, each party to pay its own costs and attorney fees. In addition, Plaintiff and Defendant further stipulate and agree that, notwithstanding the dismissal of claim, the Court shall retain jurisdiction for all purposes necessary for or incidental to the enforcement of a written Settlement Agreement entered into between Plaintiff and Defendant. In support of this stipulation, the parties agree as follows:

1. Plaintiff and Defendant have resolved their differences with respect to the matters asserted in Plaintiff's Complaint for Infringement of U.S. Patent No. 7,337,733 B2 in the above-captioned matter.
2. In accordance with the resolution of this matter between Plaintiff and Defendant, the parties request a dismissal with prejudice.

3. Notwithstanding the dismissal, the Court shall retain jurisdiction for all purposes necessary for or incidental to the enforcement of a written Settlement Agreement entered into between Plaintiff and Defendant.

WHEREFORE, the parties hereby request the Court dismiss with prejudice the pending claim against the Defendant with each party to bear its own attorney fees and costs.

Respectfully submitted,

s/Timothy J. Zarley

Timothy J. Zarley
Zarley Law Firm, P.L.C.
400 Locust Street
Capital Square, Suite 200
Des Moines, Iowa 50309-2350
Telephone: 515.558.0200
Facsimile: 515.558.7790
E-mail: tzarley@zarleylaw.com

ATTORNEY FOR PLAINTIFF
Gary W. Clem, Inc., d/b/a ALMACO

s/Kristopher J. Covi

Kristopher J. Covi
McGrath North Mullin & Kratz, PC LLO
Suite 3700
First National Tower
1601 Dodge Street
Omaha, Nebraska 68102
Telephone: 402.341.3070
Facsimile: 402.341.0216
E-mail: kcovi@mcgrathnorth.com

ATTORNEYS FOR DEFENDANT
Seed Research Equipment Solutions, Inc.

ORDER

Pursuant to the Stipulation of Dismissal With Prejudice, of Claim Against Defendant, Seed Research Equipment Solutions, Inc., entered into between Plaintiff, Gary W. Clem, Inc., d/b/a ALMACO and Defendant, Seed Research Equipment Solutions, Inc., and good cause appearing therefore, IT IS HEREBY ORDERED that all pending claims in the above-captioned matter are hereby dismissed, with prejudice, and the parties are hereby dismissed, with prejudice, from this lawsuit, with each party to pay its own attorney fees and costs. IT IS FUTHER ORDERED that the Court retains jurisdiction for all purposes necessary for or incidental to the enforcement of a written settlement agreement entered into between Plaintiff and Defendant.

Dated this _____ day of _____, 2009.

UNITED STATES DISTRICT COURT JUDGE